

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code Supplement section 234.6 and 2008 Iowa Acts, Senate File 2425, section 32(13), the Department of Human Services amends Chapter 150, "Purchase of Service," Iowa Administrative Code.

This amendment implements a 1 percent across-the-board increase for social service providers as directed by 2008 Iowa Acts, Senate File 2425, section 32(5). This increase affects foster care placements in supervised apartment living and shelter care. The increase will be applied to reimbursement rates in effect on June 30, 2008, or to the provider's actual and allowable cost for each service plus inflation, whichever is less. The amendment eliminates references to adoption services, which are no longer available through a purchase of service contract.

This amendment does not provide for waivers in specified situations, since a rate increase benefits the providers affected. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441-1.8(17A,217).

The Council on Human Services adopted this amendment on June 11, 2008.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are unnecessary and impracticable because this amendment implements 2008 Iowa Acts, Senate File 2425, section 32, which authorizes the Department to adopt rules without notice and public participation and requires the increases to be effective July 1, 2008.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(1), that the normal effective date of this amendment should be waived, as authorized by 2008 Iowa Acts, Senate File 2425, section 32.

This amendment is also published herein under Notice of Intended Action as **ARC 6903B** to allow for public comment.

This amendment is intended to implement Iowa Code Supplement sections 234.6 and 234.35 and 2008 Iowa Acts, Senate File 2425, section 32.

This amendment became effective July 1, 2008.

The following amendment is adopted.

Amend paragraph **150.3(5)"p"** as follows:

p. Rate limits. Interruptions in service programs will not affect the rate. If an agency assumes the delivery of service from another agency, the rate shall remain the same as for the former agency.

(1) The combined service and maintenance reimbursement rate paid to a shelter care provider shall be based on the financial and statistical report submitted to the department. For the fiscal year beginning July 1, ~~2007~~ 2008, the maximum reimbursement rate shall be ~~\$91.45~~ \$92.36 per day, based on a 365-day year. If the department reimburses the provider at less than the maximum rate, the department shall adjust the provider's reimbursement rate to the provider's actual and allowable cost plus the inflation factor or to the maximum reimbursement rate, whichever is less.

(2) For the fiscal year beginning July 1, ~~2007~~ 2008, the maximum reimbursement rates for services provided under a purchase of social service agency contract (~~adoption~~, shelter care, and supervised apartment living) shall be increased to ~~3~~ 1 percent over the rates in effect on June 30, ~~2007~~ 2008, or increased to the provider's actual and allowable cost plus inflation, whichever is less.

(3) The rates may ~~also be adjusted under any of the following circumstances:~~

~~1. If~~ if a new service ~~was~~ is added after June 30, ~~2007~~, 2008. ~~The~~ The ~~the~~ initial reimbursement rate for the new service shall be based upon actual and allowable costs. A new service does not include a new building or location or other changes in method of service delivery for a service currently provided under the contract.

~~For adoption, the only time a provider shall be considered to be offering a new service is if the provider adds placement or postplacement services for the first time. Preparation of the child, preparation of the family and preplacement visits are components of the services listed above.~~

1. For shelter care, if the provider is currently offering shelter care under social services contract, the only time the provider shall be considered to be offering a new service is if the provider adds a service other than shelter care.

2. For supervised apartment living, the only time a provider shall be considered to be offering a new service is when the agency adds a cluster site or a scattered site for the first time. If, for example, the agency has a supervised apartment living cluster site, the addition of a new site does not constitute a new service.

3. If the department defines, in administrative rule, a new service as a social service that may be purchased, this shall constitute a new service for purposes of establishment of a rate. Once the rate for the new service is established for a provider, the rate will be subject to any limitations established by administrative rule or law.

~~2-~~ (4) If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

~~3. —Rescinded IAB 7/6/05, effective 7/1/05.~~

~~4. —Rescinded IAB 7/6/05, effective 7/1/05.~~

~~5. —Rescinded IAB 6/28/00, effective 7/1/00.~~

[Filed Emergency 6/12/08, effective 7/1/08]

[Published 7/2/08]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/2/08.